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# Virginia Association of the Deaf

COOPERATING MEMBER OF NATIONAL ASSOCIATION OF THE DEAF  
A Non-Profit Organization Dedicated to the Educational,  
Social and Economic Welfare of the Deaf

## Before the FEDERAL COMMUNICATIONS COMMISSION (FCC)

Washington, D.C. 20554

In the Matter of Closed Captioning and Video Description of Video Programming

CC Docket No. 95-176

COMMENTS OF

Virginia Association of the Deaf, Inc.

The Virginia Association of the Deaf, Inc.. submits these comments to the Notice on Inquiry (NOI) on closed captioning and video description. We also support the comments submitted in response to this NOI by the National Association of the Deaf, the Consumer Action Network and other State Associations of the Deaf. We applaud the FCC on its commitment to telecommunications access for all Americans and appreciate the opportunity to submit these comments.

Television provides a lifeline to the world, in the form of news, information, education, and entertainment. Just as a hearing person can derive little or no benefit from watching television with the volume off, a deaf or hard of hearing person can derive little or no benefit from watching a program with no captions. Captions are integral to a Deaf person's understanding and enjoyment of video programs, so captioning needs to become an integral part of the production of **all** video programming. A producer or video provider would not think of exhibiting a television show without its soundtrack; neither, in the future, should a producer or video provider consider displaying a show without its captions.

The Commonwealth of Virginia experienced three major snowstorms this winter. In some areas of the state emergency warnings and announcements of school closings were captioned. In others, they were not and Deaf individuals were left guessing. In the days before captions, Deaf people found themselves in the unhappy situation of depending on hearing people for announcements affecting their lives. Today this demeaning dependency on others still holds true in many parts of our state, and it is not right..

Other audiences can benefit from captioning as well. Research and anecdotal evidence shows that captioning has improved reading and English skills for children, illiterate adults, persons learning English as a second language, and remedial readers. In addition, captioning can help viewers understand the audio portion of television programs in noisy locations such as airports, hotel lobbies, and restaurants, or in quiet ones, such as government and private offices.

I am a school teacher and I can testify first hand of the benefits of captioning to my Deaf students who continue to perform well on Virginia's Literacy Passport Test.

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In addition, most locally produced programs, including those covering news and community affairs, are not captioned. In Virginia, a few local programmers caption their news broadcasts, but almost no local news shows, such as "Valley Views" or programs out of James Madison University, Bridgewater College, Eastern Mennonite University, local Community Colleges, and the University of Virginia are captioned. Many telecourses are just not accessible to the Deaf.

The Commission is correct when it states that the federal government has played an important historical role in the funding of captioning. For example, the Department of Education has contributed significant funds directly to network broadcasters for the captioning of syndicated programming. Now because the Telecommunications Act of 1996 mandates captioning, video providers and owners will be soon be responsible for funding their own captioning. Hence, we support redirecting federal funds that are still available to funding research for improved captioning technology, providing subsidies for programmers that can show undue burden, and providing seed money for the captioning of programs by low-budget programmers and video program owners.

The quality of closed captions varies considerably, and affects the ability to enjoy and understand a television show. The FCC should establish minimum standards to ensure the high quality of captioning services. The Virginia Association of the Deaf supports the following guidelines to assist in the development of such standards:

1. Individuals who depend on captioning must receive information about the audio portion of the program which is functionally equivalent to the information available through the program's soundtrack. In order to meet this standard, caption data and information contained in the program's soundtrack must be delivered intact, throughout the entire program.

Captions are intended to replace the audio portion of a program; where the Commission imposes requirements to caption particular programs, those programs should be captioned in their entirety, as should the commercials and station news segments aired during their breaks.

2. Requirements for proper spelling, grammar, timing, accuracy and placement of captions should be designed to achieve full access to video programming.

3. Captions should include not only verbal information, but other elements of the soundtrack necessary for accessibility. These must include identification of the individual who is speaking where this is unclear to the viewer, sound effects, and audience reaction.

4. Captions should be provided with the style and standards which are appropriate for the particular type of programming that is being captioned. For example, local newscasts are often (if at all) captioned with **computer-generated captioning** - also known as electronic newsroom captioning. This method simply does not provide functionally equivalent video service because it misses the captioning of live interviews, sports and weather updates, school closings, and other late breaking stories which are not pre-scripted. Additionally, this method produces captions which are typically out of sync with what is being reported, lagging far behind or jumping way ahead of the anchor person's statements. For all of these reasons, the Commission should require **real time captioning** for local news broadcasts and all other live programming. Real time captioning uses a caption stenographer to simultaneously caption live audio programming.

enabling viewers to receive complete and up-to-the-minute captions of all that is on the soundtrack.

5. Captions must be reformatted as necessary if the programs on which they have been included have been compressed or otherwise edited. Videos are frequently edited as they move from movie theaters to premium cable stations to basic cable stations to syndication. This editing process typically entails removing frames of the video to compress it into a smaller time period. Video providers must be required to reformat captions on programs that have been edited to ensure that such captions are presented intact and in place.

6. Care must be taken to ensure that captioning remains intact as it moves through the distribution chain from its point of origination to the local video provider. Captions on programs that are initially intact often arrive scrambled or stripped by the time such programs reach their final cable or local network destinations. This problem can easily be remedied by requiring individuals positioned at signal monitoring stations to monitor captions as they pass from a program's site of origination to local affiliates, cable providers, or other final destinations.

7. Open character generated announcements, such as emergency warnings, weather advisories, election results, and school closings should not obstruct or be obstructed by closed captions. Standards need to be developed to ensure the proper placement of these open scrawls.

In developing the above minimum standards, the Commission should work closely with the Deaf community and captioning services who have had first-hand experience with captioning. We advocate the creation of a regulatory negotiated rulemaking committee for this purpose.

The Commission has also requested comment on appropriate timetables for providing captioning of video programming. The target for any set of timetables implemented by the Commission should be 100 percent captioning of all television programs, subject to the undue burden exemptions. No category of programming should be completely exempt from the captioning requirements. We recognize, however, that a goal of 100% captioning will not be met overnight. Accordingly, we propose initially requiring premium cable stations to caption 100 percent of their programs within 90 days of the effective date of the FCC's rules.

We also propose that the FCC develop a set of timetables that will begin requiring captioning for new programs (i.e. programs that are first published or exhibited after the effective date of the FCC's captioning regulations) within six months after the effective date of the FCC's rules. Timetables for captioning can thereafter depend on the size of the video programmer/owner (with larger programmers and owners being subject almost immediately to the Commission's rules), the type of program (with news and current affairs taking first priority), and the airing time for the program (with requiring the captioning of prime time shows before other time slots). Again, although some programmers and owners may have additional time to comply with the captioning rules, the Commission should set as its ultimate objective 100 percent captioning for all those not exempted because of an undue burden.

On February 8, 1996, President Clinton signed the Telecommunications Act of 1996 into law. For the first time in our nation's history, that law mandates the provision of

closed captioning for nearly all television programming. The Conference Report accompanying this Act states that it is "the goal of the House to ensure that all Americans ultimately have access to video services and programs, particularly as video programming becomes an increasingly important part of the home, school, and workplace." Conf. Rep. No. 104-458, 104th Cong., 2d Sess. (1996) at 183-4. In keeping with this goal, the FCC initiated this NOI so that it could gather the information needed to promulgate comprehensive regulations on video captioning. We thank the FCC for doing so, and urge the Commission to complete this proceeding and issue captioning rules in an expedited fashion.

Respectfully submitted for Virginia Association of the Deaf, Inc.,

A handwritten signature in black ink that reads "Rachel Bavister". The signature is written in a cursive, flowing style.

Rachel M. Bavister

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